

EXHIBIT B

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.,

Plaintiff,

v.

VOICE SIGNAL

TECHNOLOGIES, INC.,

LAURENCE S. GILLICK,

ROBERT S. ROTH,

JONATHAN P. YAMRON,

and MANFRED G. GRABHERR,

Defendants.

C.A. No. 04-10353-PBS

COPY

DEPOSITION OF MANFRED G. GRABHERR, Ph.D., a
witness called by and on behalf of the Plaintiffs,
taken pursuant to the applicable provisions of the
Federal Rules of Civil Procedure, before Dana Welch,
CSR, Registered Professional Reporter, and Notary
Public, in and for the Commonwealth of Massachusetts,
at the offices of Bromberg & Sunstein, 125 Summer
Street, Boston, Massachusetts, on June 16, 2005,
commencing at 10:04 a.m.

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1 I N D E X

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WITNESS: MANFRED G. GRABHERR, Ph.D.

3 EXAMINATION: PAGE NO.

By Ms. Fleming 4

4 Certificate of the Reporter 322

5 E X H I B I T S

6 NO. DESCRIPTION PAGE NO.

7 (Exhibits attached to transcript.)

8 1 - Affidavit of Manfred G. Grabherr 5

9 2 - Employment agreement 18

10 3 - Patent application 219

11 4 - E-mail dated July 31, 2001 231

12 5 - E-mail, May 7, 2001 from Yamron 245

13 6 - VST 03998 254

14 7 - VST 03993 261

15 8 - VST 03971 263

16 9 - VST 05351 268

17 10 - VST 05350 271

18 11 - VST 04005 282

19 12 - VST 04050 290

20 13 - VST 04051 301

21 14 - VST 04219 315

22 Questions Instructed Not To Answer:

23 Page 277/Line 18

24 Page 314/Line 23

1 P R O C E E D I N G S

2 (The Massachusetts Driver's License
3 number as identification of the deponent
4 was noted for the record.)

5 WHEREUPON,

6 MANFRED G. GRABHERR,
7 having duly sworn or affirmed that his
8 testimony would be the truth, the whole truth,
9 and nothing but the truth, testified as
10 follows:

11 DIRECT EXAMINATION

12 BY MS. FLEMING:

13 Q. Would you state your name for the
14 record please and spell it.

15 A. My name is Manfred Gernot Grabherr.
16 It's M-A-N-F-R-E-D, G-E-R-N-O-T,
17 G-R-A-B-H-E-R-R.

18 Q. And that's Dr. Grabherr, right?

19 A. Yes.

20 Q. Dr. Grabherr, I would like for you to
21 tell me about your educational background after
22 high school and with your collegiate studies.

23 A. I studied physics at the Technische
24 Universitat Wien, which is the University of

1 MR. POPEO: Whether or not -- the
2 nature of the communications that I've had
3 with my client are not a topic of discovery
4 or discussion today.

5 MS. FLEMING: You're disclosing on the
6 record now that you will produce that
7 document on the basis that it's relevant?

8 MR. POPEO: If the document exists, I
9 will determine whether it does exist, and
10 if so, if it responds to any discovery in
11 the case, then we will produce it.

12 BY MS. FLEMING:

13 Q. Dr. Grabherr, do you recall the
14 substance of the agreement that you signed with
15 Kurzweil?

16 MR. POPEO: Objection. You can answer,
17 if you can.

18 THE DEPONENT: I don't remember.

19 BY MS. FLEMING:

20 Q. Was it an employment agreement?

21 A. It was an employment agreement.

22 Q. Did it offer you employment?

23 A. I don't remember what the document
24 said.

1 Q. Did it contain any obligations to keep
2 information confidential that you obtained in
3 your employment with Kurzweil?

4 MR. POPEO: Objection. Only if you
5 remember.

6 THE DEPONENT: I don't remember.

7 BY MS. FLEMING:

8 Q. You don't remember?

9 A. I don't remember any specific things
10 about this document.

11 Q. You don't remember if you were under
12 any obligations to keep information
13 confidential while you worked at Kurtzweil?

14 MR. POPEO: That wasn't the question.
15 That's a different question. You can
16 answer that question, if you know the
17 answer to it.

18 THE DEPONENT: It very much depends on,
19 you know, what the document says and what
20 the wording is. I assume that there was
21 something in there that --

22 MR. POPEO: Just what you remember,
23 please.

24

1 that your testimony is that the ELVIS prototype
2 did not employ that kind of duration modeling,
3 that is, with the penalties and the
4 probabilities?

5 MR. POPEO: Objection. Asked and
6 answered. You may answer again.

7 THE DEPONENT: Right. So -- it did
8 not.

9 BY MS. FLEMING:

10 Q. It did not?

11 A. It did not employ this penalties in the
12 transitions.

13 Q. Now, I asked you earlier if you were
14 familiar with the term mixture modeling; do you
15 remember that?

16 A. Yes.

17 Q. Okay. Does mixture modeling employ the
18 use of triphone clustering?

19 MR. POPEO: Object to the form of the
20 question. You can answer if you can.

21 THE DEPONENT: I don't understand the
22 question.

23 BY MS. FLEMING:

24 Q. So I take it if I asked you if mixture

1 modeling was used in the ELVIS prototype, do
2 you know the answer to that question?

3 MR. POPEO: Object to the form of the
4 question. Asked and answered. You can
5 answer.

6 THE DEPONENT: We talked about this
7 before. You asked me this question before,
8 right, and I gave you an answer. So I can
9 repeat what I said before.

10 BY MS. FLEMING:

11 Q. Can you, please? This is difficult
12 material for me.

13 A. All right. So again, I don't know what
14 the exact definition of mixture model is. I'm
15 sure there is one. If by that you simply mean
16 that any state in the hidden Markov model is
17 represented by a number of prototype vectors,
18 then that's the way the ELVIS prototype worked.

19 Q. Okay. Are you familiar with the term
20 PEL?

21 A. No.

22 Q. Are you familiar with the term genone,
23 G-E-N-O-N-E?

24 A. No.

1 A. Well --

2 MR. POPEO: Object to the form.

3 Answer, if you can.

4 THE DEPONENT: Okay. So you need
5 permanent -- so flash is some sort of a
6 kind of like a permanent storage, right.
7 So it's some sort of an attempt to make up
8 for the nonexistent hard disk drive; right.

9 And so on a cell phone, it makes
10 perfect sense to have flash there, because
11 you do want to store certain things, data,
12 the pictures you just took or whatever,
13 somewhere where they don't get lost if you
14 turn the cell phone off.

15 Now, it wouldn't make such sense to use
16 this technology on a PC, because usually
17 these things are not huge and it's much,
18 much cheaper to have a large hard disk
19 drive where you can store all your data and
20 it's going to still be there, even if you
21 turn it off.

22 On the PDA, I'm not sure because what
23 you do is you have a lot of memory anyway
24 already there, whether it makes sense to

1 have it, I don't know, whether they have it
2 or not, I don't know.

3 BY MS. FLEMING:

4 Q. You just don't know?

5 A. I just don't know.

6 Q. And you are -- let me just ask you.
7 You did not -- or did you communicate to Mr.
8 Bob Roth any novel technical characteristics in
9 the current implementation of ELVIS?

10 MR. POPEO: Object to the form.
11 Answer, if you recall, please.

12 THE DEPONENT: I don't remember.

13 BY MS. FLEMING:

14 Q. And did you communicate to Mr. Roth any
15 novel ideas that would be important
16 contributions to ELVIS?

17 MR. POPEO: Same objection.

18 THE DEPONENT: I don't remember.

19 BY MS. FLEMING:

20 Q. Did you ever communicate to Mr. Bob
21 Roth in your first year of employment at Voice
22 Signal Technologies?

23 A. Communicate, meaning talking?

24 Q. Any communication.